

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

LMMC, LLC, and LMMC HOLDINGS, LLC,

Plaintiffs,

vs.

GABRIEL M. SULLIVAN, MONI SULLIVAN,
DR. DARIN JACKSON, LIMITLESS
OPTIONS, LLC, and INFINITE OPTIONS,
LLC,

Defendants.

8:19CV560

ORDER

Attorneys Thomas H. Dahlk, Victoria H. Buter, Daniel N. Bruce, and Edward M. Fox II of Kutak Ruck LLP have moved to withdraw as counsel for Plaintiffs LMMC, LLC, and LMMC Holdings, LLC and Third-Party Defendant Daniel P. Molloy, Jr. [Filing No. 219](#).

The Plaintiffs are both corporate entities that cannot litigate in this forum without representation by licensed counsel. See [Rowland v. Cal. Men's Colony, Unit II Men's Advisory Council](#), 506 U.S. 194, 202 (1993) (“[A] corporation may appear in the federal courts only through licensed counsel.”). When a corporation’s attorney withdraws, the corporation is prohibited from proceeding in court. See, e.g., [United States v. Van Stelton](#), 988 F.2d 70, 70 (8th Cir. 1993) (refusing to entertain an appeal because the unrepresented corporation could not be deemed an active party). Without counsel, Plaintiffs’ claims will be subject to dismissal for failure to diligently prosecute and Plaintiffs could be subject to default on Defendants’ counterclaims. See NECivR 41.2 (dismissal for failure to prosecute); [Ackra Direct Mktg. Corp. v. Fingerhut Corp.](#), 86 F.3d 852, 857 (8th Cir. 1996) (corporate entity without representation is subject to the entry of default judgment).

Accordingly, Plaintiffs LMMC, LLC, and LMMC Holdings, LLC are ordered to obtain substitute counsel by August 2, 2024, at which time the Court will grant the Kutak Rock attorneys' motions to withdraw. Counsel is ordered to provide a copy of this order to Plaintiffs and Mr. Molloy. If Plaintiffs do not obtain substitute counsel by that date, the Court will set the matter for hearing and will order Mr. Molloy or another corporate representative for each Plaintiff to appear. All deadlines remain as previously set unless altered by further order of the Court.

IT IS SO ORDERED.

Dated this 12th day of July, 2024.

SIGNED:

s/ Kate O. Rahel
Appointed Special Master